

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

DARRELL OWENS,)
)
Petitioner,)) No. 1:05-CV-213
v.))
)) Chief Judge Curtis L. Collier
UNITED STATES OF AMERICA,))
))
Respondent.))

FINAL JUDGMENT ORDER

For the reasons expressed by the Court in its memorandum opinion filed herewith, it is
ORDERED that all claims of Petitioner Darrell Owens (“Petitioner”), in his motion under 28 U.S.C.
§ 2255 (Court File No. 1), are **DENIED AND DISMISSED WITH PREJUDICE**.

In addition, the Court has reviewed this case pursuant to Rule 24 of the Federal rules of
Appellate Procedure and hereby **CERTIFIES** that any appeal from this action would not be taken
in good faith and would be totally frivolous. Therefore, any application by Petitioner for leave to
proceed *in forma pauperis* on appeal is **DENIED**. Fed. R. App. P. 24.

Further, should Petitioner file a timely notice of an appeal from this order, such notice will
be treated as an application for a certificate of appealability, which is hereby **DENIED** since, he has
failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2);
Rule 22(b) of the Federal Rules of Appellate Procedure. As discussed in the memorandum opinion
filed herewith, Petitioner's claims are clearly without merit and he cannot present a question of some
substance about which reasonable jurists would differ. *Slack v. McDaniel*, 529 U.S. 473, 483-84

(2000) (“To obtain a COA under § 2253(c), a habeas prisoner must make a substantial showing of the denial of a constitutional right, a demonstration that, under *Barefoot v. Estelle*, 463 U.S. 880, 894 (1983)] includes showing that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” (citation omitted)). Thus, a Certificate of Appealability will not issue.

This is a **FINAL ORDER**. The Clerk of Court shall close the record in this case.

SO ORDERED.

ENTER:

/s/

CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Patricia L. McNutt

CLERK OF COURT